

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRY FOSTER,)	CASE NO. 1:25-CV-00139
)	
Plaintiff,)	
)	JUDGE BRIDGET MEEHAN BRENNAN
v.)	
)	
GRAY LOCAL MEDIA, INC.,)	<u>ORDER OF DISMISSAL</u>
)	
Defendant.)	

Pro se Plaintiff Terry Foster filed a civil action in this Court. He did not pay the filing fee for this action. Instead, he submitted an Application to Proceed *In Forma Pauperis* (Doc. 2) using what appears to be a state court form. He did not make a sincere attempt to complete it, and instead wrote “N/A” across every section of the Application. He also attached a “Poverty Affidavit.” (Doc. 2-1). He did not attempt to complete this form either, choosing instead to write “0” or “N/A” in every section.

On January 29, 2025, this Court notified Plaintiff of the deficiency in his Application to Proceed *In Forma Pauperis* (Doc. 2) and ordered him to properly complete the Application within thirty (30) days of the date of the Order. (Doc. 3.) The Court supplied him with a blank *In Forma Pauperis* Application to assist him with complying with the Order. (Doc. 3-1.) More than thirty (30) days have passed, and Foster has neither paid the filing fee nor filed a new Application to Proceed *In Forma Pauperis* that corrects the deficiencies.

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement of any action without prepayment of filing fees if the litigant submits an affidavit that includes a truthful statement of all assets, income and debt that demonstrates the person is unable to pay the filing

fee. 28 U.S.C. § 1915(a)(1). Pauper status does not require absolute destitution. *Foster v. Cuyahoga Dep't of Health & Human Servs.*, 21 F. App'x 239, 240 (6th Cir. 2001). Instead, the Court must examine the affidavit and determine whether the litigant can pay the court costs without undue hardship. *Id.* It is within the Court's discretion to allow a litigant to proceed *in forma pauperis*. *Id.* Proceeding *in forma pauperis* is a privilege, and not a right. *Wilson v. Yaklich*, 148 F.3d 596, 603 (6th Cir. 1998). Because Plaintiff did not attempt to fully and accurately complete the Application, he did not demonstrate that he meets the criteria of poverty.

Accordingly, Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 2) is DENIED, and this case is DISMISSED without prejudice for failure to prosecute. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: May 30, 2025



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE